

1 A JOINT RESOLUTION

2 AUTHORIZING THE SALE OF THE COTTONWOOD-WALNUT CREEK PROPERTY
3 IN EDDY COUNTY; AUTHORIZING THE PURCHASE OF ADJACENT LANDS AT
4 SUGARITE AND MANZANO STATE PARKS.

5
6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 WHEREAS, Section 13-6-3 NMSA 1978 requires legislative
8 ratification and approval of a sale of real property of the
9 state for a consideration of one hundred thousand dollars
10 (\$100,000) or more; and

11 WHEREAS, the Cottonwood-Walnut Creek property was
12 purchased in 1972 for the purpose of creating a state park;
13 and

14 WHEREAS, plans to proceed with a state park changed due
15 to the development of another state park in the same area and
16 a lack of progress in implementing a dam project originally
17 envisioned; and

18 WHEREAS, the state parks division of the energy,
19 minerals and natural resources department has leased the
20 Cottonwood-Walnut Creek property for agricultural use from
21 1974 to 2004; and

22 WHEREAS, the state parks division has terminated the
23 lease effective February 15, 2004 in expectation of disposing
24 of the property; and

25 WHEREAS, the state parks division plans to use the

1 proceeds from the sale of the Cottonwood-Walnut Creek
2 property to match federal funds for state park land
3 acquisition and development in other locations; and

4 WHEREAS, the Cottonwood-Walnut Creek property is located
5 in Eddy county and legally described as:

6 Township 16 South, Range 25 East, N.M.P.M.

7 Section 2: W $\frac{1}{2}$ SW $\frac{1}{4}$ (save and except that
8 certain tract described in Deed Book
9 51 at Page 479 of the records of Eddy
10 County, New Mexico, and described as
11 follows: Beginning 238 feet west of
12 the southeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$,
13 thence at right angle north 144 feet,
14 thence west 262 feet, thence south 150
15 feet, thence east 262 feet to the
16 point of beginning)

17 SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$

18 Section 3: Lots 12, 13, 14, 15 and 16, SW $\frac{1}{4}$ and SE $\frac{1}{4}$

19 Section 4: Lots 9, 10, 11, 14, 15 and 16, E $\frac{1}{2}$ SE $\frac{1}{4}$.

20 TOGETHER WITH all water rights
21 appurtenant to the lands herein
22 conveyed, and all improvements thereon.

23 EXCEPTING all oil, gas and other
24 minerals heretofore reserved; And

25 EXCEPTING, FURTHER, and reserving to the

1 grantor, Geraldine L. Lumley, all oil
2 gas and other minerals not heretofore
3 reserved; and SUBJECT TO the oil and gas
4 lease on record on February 13, 1972,
5 provided however, that any future oil
6 gas or mineral leases or conveyances
7 entered into by the grantor Geraldine L.
8 Lumley, or her heirs or assigns, shall
9 carry a provision that said lessees or
10 grantees will not create, or permit to
11 exist, any unsightly excavation fills,
12 or installations, or drill for or
13 explore for oil, gas or any other
14 minerals on the said lands, or permit
15 waste on said property in any location
16 which will interfere with or create a
17 condition that would interfere with the
18 use by the grantee or the general public
19 in the use of said lands for park and
20 recreation purposes, or which will
21 impair the scenic or esthetic value of
22 such land.

23 With warranty covenants."; and

24 WHEREAS, Section 16-2-11 NMSA 1978 requires legislative
25 approval of acquisition of lands for state park or recreation

1 purposes; and

2 WHEREAS, the state parks division should be authorized
3 to purchase lands adjacent to Sugarite and Manzano state
4 parks;

5 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
6 STATE OF NEW MEXICO that the sale of the described property
7 be hereby ratified and approved pursuant to Section 13-6-3
8 NMSA 1978; and

9 BE IT FURTHER RESOLVED that the state parks division be
10 authorized to purchase lands adjacent to Sugarite and Manzano
11 state parks; and

12 BE IT FURTHER RESOLVED that copies of this resolution be
13 transmitted to the secretary of energy, minerals and natural
14 resources and the director of the state parks division. _____

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